

86th Legislative Session – 2011

Committee: House Taxation

Thursday, February 17, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Conzet
P Feickert
E Feinstein
P Hunhoff (Bernie)
P Kirkeby
P Kirschman
P Liss
P Moser
P Perry
P Rozum
P Russell
P Solum
P Wick
P Greenfield, Vice-Chair
P Willadsen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Willadsen.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 15, 2011

Moved by: Solum
Second by: Moser
Action: Prevailed by voice vote.

HB 1187: provide for an interim study of the exemptions provided for the sales, use, and excise taxes imposed by the state.

Presented by: Representative David Lust

Proponents: Joy Smolnisky, SD Budget & Policy Project, Sioux Falls

MOTION: TO TABLE HB 1187

Moved by: Moser

Second by: Conzet

Action: Prevailed by roll call vote. (11-1-3-0)

Voting Yes: Conzet, Feickert, Hunhoff (Bernie), Kirkeby, Kirschman, Liss, Moser, Rozum, Russell, Solum, Willadsen

Voting No: Wick

Excused: Feinstein, Perry, Greenfield

SB 40: provide that the uniform administration of certain state taxes apply to the telecommunications gross receipts tax and to limit the application of the uniform administration of certain state taxes.

Presented by: Andrew Fergel, Department of Revenue & Regulation

MOTION: DO PASS SB 40

Moved by: Moser

Second by: Solum

Action: Prevailed by roll call vote. (12-0-3-0)

Voting Yes: Conzet, Feickert, Hunhoff (Bernie), Kirkeby, Kirschman, Liss, Moser, Rozum, Russell, Solum, Wick, Willadsen

Excused: Feinstein, Perry, Greenfield

MOTION: PLACE SB 40 ON CONSENT CALENDAR

Moved by: Russell

Second by: Feickert

Action: Prevailed by voice vote.

SB 90: revise certain provisions concerning tax incremental districts.

Presented by: Representative Charles Turbiville

Proponents: Todd Meierhenry, Sioux Falls, self

Senator Bob Gray
Julie Johnson, Absolutely! Aberdeen, Aberdeen Dev. Corp., Prairie Vision
Yvonne Taylor, SD Municipal League

MOTION: DO PASS SB 90

Moved by: Moser
Second by: Greenfield
Action: Prevailed by roll call vote. (13-1-1-0)

Voting Yes: Conzet, Hunhoff (Bernie), Kirkeby, Kirschman, Liss, Moser, Perry, Rozum, Russell, Solum, Wick, Greenfield, Willadsen

Voting No: Feickert

Excused: Feinstein

MOTION: REMOVE HB 1128 FROM THE TABLE AND TAKE UP FOR IMMEDIATE CONSIDERATION

Moved by: Greenfield
Second by: Moser
Action: Prevailed by roll call vote. (14-0-1-0)

Voting Yes: Conzet, Feickert, Hunhoff (Bernie), Kirkeby, Kirschman, Liss, Moser, Perry, Rozum, Russell, Solum, Wick, Greenfield, Willadsen

Excused: Feinstein

HB 1128: modify the registration of certain anemometer towers used for wind energy testing purposes.

Presented by: Representative Roger Solum
Proponents: Bill Van Camp, Nextera Energy Resources
Ed Anderson, SD Rural Electric Association
Hunter Roberts, Governors Office of Economic Development

MOTION: AMEND HB 1128

1128fa

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 50-9-13 be amended to read as follows:

50-9-13. Any anemometer tower that is fifty feet in height above the ground or higher, that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. ~~Any anemometer tower that was erected before July 1, 2010 shall be marked as required in this section within one year after July 1, 2010.~~ Any anemometer tower that is erected on or after July 1, 2010 shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:

- (1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;
- (2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;
- (3) The area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced. For purposes of this section, the term, area surrounding the anchor point, means an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point; and
- (4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

A violation of this section is a Class 2 misdemeanor.

Section 2. That chapter 50-9 be amended by adding thereto a NEW SECTION to read as follows:

The Aeronautics Commission shall establish and maintain a database to identify the locations of each existing anemometer tower. By January 1, 2012, each person with an anemometer tower erected in the state shall provide the commission with the global positioning coordinates of the center of each anemometer tower. Each person proposing to erect an anemometer tower shall provide to the commission the global positioning coordinates of the center of the tower at least fifteen days before the erection of the tower.

Section 3. That chapter 50-9 be amended by adding thereto a NEW SECTION to read as follows:

Any anemometer tower that was erected before July 1, 2010, is required to meet the provisions of section 2 of this Act but is not required to meet the provisions of § 50-9-13."

Moved by: Greenfield
Second by: Wick
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1128 AS AMENDED

Moved by: Hunhoff (Bernie)
Second by: Moser
Action: Prevailed by roll call vote. (13-1-1-0)

Voting Yes: Conzet, Feickert, Hunhoff (Bernie), Kirkeby, Kirschman, Liss, Moser, Perry, Rozum, Russell, Solum, Wick, Greenfield

Voting No: Willadsen

Excused: Feinstein

MOTION: AMEND TITLE OF HB 1128

1128fta

On page 1, line 1, of the printed bill, delete everything after "modify" and insert "the registration of certain anemometer towers used for wind energy testing purposes.".

Moved by: Greenfield
Second by: Wick
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Kirkeby
Second by: Conzet
Action: Prevailed by voice vote.

Cindy Tryon
Committee Secretary

Mark K. Willadsen, Chair